

Remarks

In response to the election requirement herein, applicant elects without prejudice and with traverse, the Group II Claims which were previously presented as claims 28-38, these claims are now cancelled and replaced by new claims 39-57 which closely correspond to said original claims.

The chart below shows the concordance of the previous claims to the replacement claims.

Previous Claims	Replacement Claims
28-34, 36-38	39-48
1	49
1	50
5, 6	51-52
8,9	53,54
14	55
20	56
26	57

In the outstanding Office Action election has been required between Groups I and II, and within Group I election is required among Species 1 – 4 and Species A and B of each Species.

Applicant respectfully traverses the restriction requirement stated in said Office Action, but as required, elects to proceed with Group II, Species 1, and to sub-species 1A "Inlet Connected To An Arterial System", and thence to claims 52 and 53 if ultimately required. Claims 52 and 53 pertain to "inlet" or "outlet" respectively

connected to an arterial system; however this restriction requirement is believed to be incorrect as discussed below.

While venous and arterial systems have certain differences, it is respectfully submitted that any prior art search for a device connected to a venous or arterial system would be within the same general search classes and both should be considered by an Examiner when searching in regard to such subject matter. Accordingly, claims 52 and 53 within sub-species 1A and 1B should be considered in the same search without any restriction requirement.

Returning to the primary restrictions set forth on page 2 of the Office Action, wherein Group I claims 1-26 is described as drawn to a blood pressure altering device positioned in series with normal blood flow, it is respectfully submitted that all of present claims 39-57 which replace claims 1-26, should be considered together without any further restriction requirements, since they are related, at least by the fact that all of claims 40-57 are dependent on claim 39 and thus share the basic limitations.

Reconsideration is further requested of the primary restriction requirement between Groups I and II. Group II claims 28-38 are marked as "withdrawn" in the Listing of the Claims above, this withdrawal being done without prejudice and with traverse.

The Group I and II claims have significant commonality, as exemplified

below:

Group I, Claim I	Group II, Claim 39
(a) "blood pressure altering device"	(a) blood pressure altering device"
(b) "cooperate with a circulating system.."	(b) is in fluid communication with said circulatory system"
(c) "for supplementing distal blood perfusion . . . throughout at least one or more distal regions including limbs, a brain region or a pelvic region...	(c) "for perfusing a distal region of a patient's circulatory system"

Despite certain differences in claim 1 and 39 of Group II and I respectively, these groups relate a blood pumping system for supplementing blood circulation, particularly to a system which supplements blood perfusion in distal regions of a patient's circulatory system. It is submitted that there is such a degree of commonality that any search of prior art for one group is likely to cover the other group, and that claims in both groups pertain to essentially the same aspects of the human anatomy, and address closely related issues with solutions and apparatus that would likely be addressed and found in the same basic search. The fact that these groups may be found in different sub-classes of class 604 should not automatically bar them from being considered in a single patent application.

In view of the overlapping nature of the claims of Group I and II and other comments above, reconsideration of the restriction requirement is respectfully requested.

Respectfully submitted,

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